



# MEMORANDUM ENDORSED

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December 26, 2007

## RECEIVED

DEC 26 2007

JUDGE S. W. KRAM  
CHAMBERS

### VIA FACSIMILE

Honorable Shirley Wohl Kram  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 760  
New York, NY 10007-1312

Re: Ploss v. Bank Atlantic Bancorp, Inc., et. al. 07-cv-10937.

Dear Judge Kram:

We represent two shareholders of Bank Atlantic Bancorp, Inc. who wish to seek appointment of Lead Plaintiff in the above referenced matter. This matter is a securities class action arising under the Securities Exchange Act of 1933. The Private Securities Litigation Reform Act requires any shareholder who wishes to seek the appointment of Lead Plaintiff on behalf of the putative class to move no later than 60 days from the issuance of the notice to shareholders of the pendency of a class action. As such, we respectfully request that Your Honor permit the filing of a motion for Lead Plaintiff prior to holding a status conference and/or without any pre-motion conference or meet and confer between the parties as required by your Individual practices. Thank you for your consideration of this matter and should you have any questions, we remain available at the Court's convenience.

Application granted.

Very truly yours,

Evan J. Smith

SO ORDERED

JUDGE SHIRLEY WOHL KRAM  
U. S. D. J.

EJS/jf

cc. Richard Maniskas, Esquire (via regular mail)  
Gregory Bradley Linkh, Esquire (via regular mail)

Dated:

New York, NY